

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

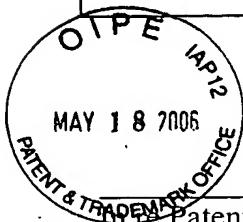
Dated: May 15, 2006

Signature: 

(Raymond Garguilo, Jr.)

IPW

Docket No.: SPINE 3.0-437 CIPCIPCIPCIP CON XV
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:
Errico et al.

Application No.: 10/642,527

Filed: August 15, 2003

Group Art Unit: 3738

Confirmation No. 3169

Examiner: B. E. Pellegrino

For: AXIALLY COMPRESSIBLE ARTIFICIAL
INTERVERTEBRAL DISC HAVING A
CAPTURED BALL AND SOCKET JOINT
WITH A SOLID BALL AND COMPRESSION
LOCKING POST

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

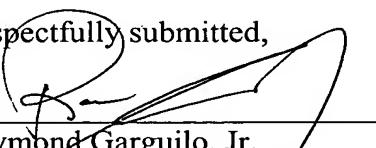
REQUEST FOR CONSIDERATION OF INFORMATION UNDER 37 CFR § 1.97 (C)

Dear Sir:

It is respectfully requested that the references cited in the enclosed form be considered pursuant to 37 C.F.R. § 1.97(c). Please charge deposit account No. 12-1095 in the amount of \$180.00 pursuant to 37 C.F.R. § 1.17(p). In the event that any additional fee is due in connection with the present request, the same should be charged to our Deposit Account No. 12-1095.

Dated: May 15, 2006

Respectfully submitted,

By 

Raymond Garguilo, Jr.

Registration No.: 50,930

LERNER, DAVID, LITTMERBERG,
KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant



PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO				Complete if Known	
				Application Number	10/642,527-Conf. #3169
				Filing Date	August 15, 2003
				First Named Inventor	Joseph P. Errico
				Art Unit	3738
				Examiner Name	B. E. Pellegrino
Sheet	1	of	4	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIP CON XV

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
AA*	US-2,193,122		03/1940	Crabbs	
AB*	US-2001/0007073		07-05-2001	Zucherman, et al.	
AC*	US-2001/0016773-A1		08-23-2001	Serhan et al.	
AD*	US-2001/0020170-A1		09-06-2001	Zucherman et al.	
AE*	US-2001/0039452-A1		11-08-2001	Zucherman et al.	
AF*	US-2002/0062131-A1		05-23-2002	Gallo, Sr.	
AG*	US-2002/0082695-A1		06-27-2002	Neumann	
AH*	US-2002/0099377		07-25-2002	Zucherman, et al.	
AI*	US-2002/0111679-A1		08-15-2002	Zucherman et al.	
AJ*	US-2002/0111681-A1		08-15-2002	Ralph et al.	
AK*	US-2002/0111682-A1		08-15-2002	Ralph et al.	
AL*	US-2002/0111684		08-15-2002	Ralph, et al.	
AM*	US-2002/0111685-A1		08-15-2002	Ralph et al.	
AN*	US-2002/0128714-A1		09-12-2002	Manasas et al.	
AO*	US-2002/0161375-A1		10-31-2002	Ralph et al.	
AP*	US-2003/0014057-A1		01-16-2003	Ralph et al.	
AQ*	US-2003/0014109-A1		01-16-2003	Ralph et al.	
AR*	US-2003/0014110-A1		01-16-2003	Ralph et al.	
AS*	US-2003/0014112-A1		01-16-2003	Ralph et al.	
AT*	US-2003/0014113-A1		01-16-2003	Ralph et al.	
AU*	US-2003/0014114-A1		01-16-2003	Ralph et al.	
AV*	US-2003/0014115-A1		01-16-2003	Ralph et al.	
AW*	US-2003/0014116-A1		01-16-2003	Ralph et al.	
AX*	US-2003/0023245-A1		01-30-2003	Ralph et al.	
AY*	US-2003/0023309-A1		01-30-2003	Ralph et al.	
AZ*	US-2003/0023310-A1		01-30-2003	Ralph et al.	
AA1*	US-2003/0028197-A1		02-06-2003	Hanson et al.	
AB1*	US-2003/0028249-A1		02-06-2003	Baccelli et al.	
AC1*	US-2003/0028252-A1		02-06-2003	Ralph et al.	
AD1*	US-2003/0040801-A1		02-27-2003	Ralph et al.	
AE1*	US-2003/0055503-A1		03-20-2003	O'Neil	
AF1*	US-2003/0060886-A1		03-27-2003	Van Hoeck et al.	
AG1*	US-2003/0065395-A1		04-03-2003	Ralph et al.	
AH1*	US-2003/0069586-A1		04-10-2003	Errico et al.	
AI1*	US-2003/0069642-A1		04-10-2003	Ralph et al.	
AJ1*	US-2003/0074067-A1		04-17-2003	Errico et al.	
AK1*	US-2003/0100951-A1		05-29-2003	Serhan et al.	
AL1*	US-2003/0125748		07-03-2003	Li, et al.	
AM1*	US-2003/0149438-A1		08-07-2003	Nichols et al.	
AN1*	US-2003/0149482-A1		08-07-2003	Michelson	
AO1*	US-2003/0187508		10-02-2003	Cauthen	
AP1*	US-2003/0191534-A1		10-09-2003	Viart et al.	
AQ1*	US-2003/0199981		10-23-2003	Ferree	
AR1*	US-2003/0204260-A1		10-30-2003	Ferree	

Examiner Signature	Date Considered
--------------------	-----------------

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO				Complete if Known	
				Application Number	10/642,527-Conf. #3169
				Filing Date	August 15, 2003
				First Named Inventor	Joseph P. Errico
				Art Unit	3738
				Examiner Name	B. E. Pellegrino
Sheet	2	of	4	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIP CON XV

AS1*	US-2003/0208271-A1	11-06-2003	Kuras	
AT1*	US-2003/0225408-A1	12-04-2003	Nichols et al.	
AU1*	US-2003/0229358-A1	12-11-2003	Errico et al.	
AV1*	US-2003/0233097-A1	12-18-2003	Ferree	
AW1*	US-2003/0233148-A1	12-18-2003	Ferree	
AX1*	US-2004/0002759-A1	01-01-2004	Ferree	
AY1*	US-2004/0002762-A1	01-01-2004	Hawkins	
AZ1*	US-2004/0010316-A1	01-15-2004	William	
AA2*	US-2004/0024406-A1	02-05-2004	Ralph et al.	
AB2*	US-2004/0024407-A1	02-05-2004	Ralph et al.	
AC2*	US-2004/0030387-A1	02-12-2004	Landry et al.	
AD2*	US-2004/0030389-A1	02-12-2004	Ferree	
AE2*	US-2004/0030390-A1	02-12-2004	Ferree	
AF2*	US-2004/0034426-A1	02-19-2004	Errico et al.	
AG2*	US-2004/0078079-A1	04-22-2004	Foley	
AH2*	US-3,867,728	02-25-1975	Stubstad et al.	
AI2*	US-4,309,777	01-12-1982	Patil	
AJ2*	US-4,566,466	01-28-1986	Ripple et al.	
AK2*	US-4,605,417	08-12-1986	Fleischauer	
AL2*	US-4,759,766	07-26-1988	Buettner-Janz et al.	
AM2*	US-4,759,769	07-26-1988	Hedman et al.	
AN2*	US-4,932,969	06-12-1990	Frey et al.	
AO2*	US-4,997,432	03-05-1991	Keller	
AP2*	US-5,034,254	07/1991	Cologna et al.	
AQ2*	US-5,236,460	08-17-1993	Barber	
AR2*	US-5,258,031	11-02-1993	Salib, et al.	
AS2*	US-5,306,308	04-26-1994	Gross et al.	
AT2*	US-5,314,477	05-24-1994	Marnay	
AU2*	US-5,370,697	12-06-1994	Baumgartner	
AV2*	US-5,401,269	03-28-1995	Buttner-Janz et al.	
AW2*	US-5,425,773	06-20-1995	Boyd et al.	
AX2*	US-5,507,816	04-16-1996	Bullivant	
AY2*	US-5,548,642	10-17-1995	Beer et al.	
AZ2*	US-5,556,431	09-17-1996	Buttner-Janz	
AA3*	US-5,562,738	10-08-1996	Boyd et al.	
AB3*	US-5,674,296	10-07-1997	Bryan et al.	
AC3*	US-5,676,701	10-14-1997	Yuan et al.	
AD3*	US-5,676,702	10-14-1997	Ratron	
AE3*	US-5,683,464	11-04-1997	Wagner et al.	
AF3*	US-5,683,465	11-04-1997	Shinn et al.	
AG3*	US-5,755,796	05-26-1998	Ibo et al.	
AH3*	US-5,782,830	07-21-1998	Farris	
AI3*	US-5,782,832	07-21-1998	Larsen et al.	
AJ3*	US-5,827,328	10-27-1998	Butterman	
AK3*	US-5,865,846	02-02-1999	Bryan et al.	
AL3*	US-5,888,226	03-30-1999	Rogozinski	
AM3*	US-5,895,428	04-20-1999	Berry	
AN3*	US-5,899,941	05-04-1999	Nishijima	

Examiner Signature	Date Considered
--------------------	-----------------

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO				Complete If Known	
				Application Number	10/642,527-Conf. #3169
				Filing Date	August 15, 2003
				First Named Inventor	Joseph P. Errico
				Art Unit	3738
				Examiner Name	B. E. Pellegrino
Sheet	3	of	4	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIP CON XV

	AO3*	US-5,989,291	11-23-1999	Ralph et al.	
	AP3*	US-6,001,030	12-14-1999	Bryan et al.	
	AQ3*	US-6,019,792	02-01-2000	Cauthen	
	AR3*	US-6,039,763	03-21-2000	Shelokov	
	AS3*	US-6,063,121	05-16-2000	Xavier et al.	
	AT3*	US-6,066,174	05-23-2000	Farris	
	AU3*	US-6,113,637	09-05-2000	Gill et al.	
	AV3*	US-6,136,031	10-24-2000	Middleton	
	AW3*	US-6,146,421	11-14-2000	Gordon et al.	
	AX3*	US-6,156,067	12-05-2000	Bryan et al.	
	AY3*	US-6,159,215	12-12-2000	Urbahns et al.	
	AZ3*	US-6,179,874	01-30-2001	Cauthen	
	AA4*	US-6,228,118	05-08-2001	Gordon	
	AB4*	US-6,280,458	08-28-2001	Boche, et al.	
	AC4*	US-6,319,257	11-20-2001	Carignan et al.	
	AD4*	US-6,368,350	04-09-2002	Erickson et al.	
	AE4*	US-6,375,682	04-23-2002	Fleischmann et al.	
	AF4*	US-6,416,551	07-09-2002	Keller	
	AG4*	US-6,428,544	08-06-2002	Ralph et al.	
	AH4*	US-6,436,102	08-20-2002	Ralph et al.	
	AI4*	US-6,471,725	10-29-2002	Ralph et al.	
	AJ4*	US-6,478,796	11-12-2002	Zucherman et al.	
	AK4*	US-6,478,800	11-12-2002	Fraser et al.	
	AL4*	US-6,478,801	11-12-2002	Ralph et al.	
	AM4*	US-6,517,580	02-11-2003	Ramadan et al.	
	AN4*	US-6,527,804	03-04-2003	Gauchet et al.	
	AO4*	US-6,554,864	04-29-2003	Ralph et al.	
	AP4*	US-6,562,047	05-13-2003	Ralph et al.	
	AQ4*	US-6,579,320	06-17-2003	Gauchet et al.	
	AR4*	US-6,582,466	06-24-2003	Gauchet	
	AS4*	US-6,582,468	06-24-2003	Gauchet	
	AT4*	US-6,592,624	07-15-2003	Fraser et al.	
	AU4*	US-6,607,559-A1	08-19-2003	Ralph et al.	
	AV4*	US-6,610,092-A1	08-26-2003	Ralph et al.	
	AW4*	US-6,623,525	09-23-2003	Ralph et al.	
	AX4*	US-6,645,249	11-11-2003	Ralph et al.	
	AY4*	US-6,669,732	12-30-2003	Serhan, et al.	
	AZ4*	US-6,673,113	01-06-2004	Ralph et al.	
	AA5*	US-6,682,562	01-27-2004	Viart et al.	
	AB5*	US-6,692,495	02-17-2004	Zacouto	
	AC5*	US-6,706,068	03-16-2004	Ferree	
	AD5*	US-6,716,245	04-06-2004	Pasquet, et al.	

Examiner Signature	Date Considered
--------------------	-----------------

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO				Complete if Known	
				Application Number	10/642,527-Conf. #3169
				Filing Date	August 15, 2003
				First Named Inventor	Joseph P. Errico
				Art Unit	3738
				Examiner Name	B. E. Pellegrino
Sheet	4	of	4	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIP CON XV

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
BA	WO-97/10776-A2		03/1997	STEINBERG, AMIRAM		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS							
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.					T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
--------------------	-----------------